

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2002-307-T - ORDER NO. 2003-42 *nd*  
JANUARY 29, 2003

IN RE: Application of Chavis Moving & Storage Co.,	)	ORDER APPROVING
Inc., Post Office Box 4984, Beaufort, SC	)	TRANSFER OF CLASS E
(Mailing Address: Post Office Box 4386,	)	CERTIFICATE OF
Beaufort, SC 29903-4386), to Transfer Class	)	PUBLIC CONVENIENCE
E Certificate of Public Convenience and	)	AND NECESSITY
Necessity No.100-G to 21 <sup>st</sup> Century Holdings,	)	
LLC DBA Chavis Moving & Storage	)	
Company, 265 Bay Pines Road, Beaufort, SC	)	
29903.	)	

This matter comes before the Public Service Commission of South Carolina (“the Commission”) by way of the Application of 21<sup>st</sup> Century Holdings, LLC d/b/a Chavis Moving & Storage Co., Inc., (“21<sup>st</sup> Century” or “the Transferee”) to obtain by way of transfer Class E Certificate of Public Convenience and Necessity No. 100-G (“Certificate of PC&N”) currently held by Chavis Moving & Storage Co., Inc. (“the Transferor” or “Chavis”). The requested transfer is pursuant to a contract of sale of the company. Under the contract of sale, Darrell Chavis is selling the company to Lloyd H. Griffin, III, who has organized a corporation by the name of 21<sup>st</sup> Century Holdings, LLC d/b/a Chavis Moving & Storage Company.

Subsequent to the filing of the Application, the Commission’s Executive Director instructed the Transferee to cause to be published a prepared Notice of Filing in newspapers of general circulation in the State of South Carolina. The Notice of Filing

indicated the nature of the Application and advised all interested parties desiring to participate in the proceeding of the manner and time in which to file pleadings to be included. No letters of protest or petitions to intervene were received by the Commission.

A hearing was held on December 18, 2003, at 2:30 p.m., in the Commission's hearing room. The Honorable Mignon Clyburn, Chairman, presided. 21<sup>st</sup> Century was represented by John J. Pringle, Esquire. Jocelyn Boyd, Staff Counsel, represented the Commission Staff.

A review of the Application reveals that the Transferor has certified the following: (1) that there are no debts or claims against the Transferor; (2) that there are no unremitted COD collections due shippers; (3) that there are no claims for loss of or damage to goods transported or received for transportation; (4) that there are no claims for overcharges on property transported; (5) that there are no interline accounts due other carriers; and (6) that there are no wages due employees of the Transferor.

Lloyd H. Griffin, III, owner of 21<sup>st</sup> Century, appeared at the hearing and testified regarding 21<sup>st</sup> Century's abilities to provide the services which he seeks to provide in South Carolina pursuant to the transfer of the Class E authority. Mr. Griffin is the owner and sole member of 21<sup>st</sup> Century. Mr. Griffin bought a transportation company in Georgia in 1978. When he sold this transportation company in 1991, it was four times the size of Chavis Moving and Storage, Inc. Mr. Griffin was previously a banker with C&S in South Carolina. He was in the banking business for ten years. In 1993, Mr. Griffin bought another business which is not in the transportation agreement.

Mr. Griffin purchased virtually all of the assets of Chavis Moving and Storage Co., Inc. except accounts receivable and accounts payable. Some of the assets that were transferred include rolling equipment, three road tractors, six trailers which are used to haul, five straight trucks, warehouse boxes and a forklift. Drivers, packers, and loaders who were employed by Chavis Moving and Storage Co., Inc. will also be employed by 21<sup>st</sup> Century.

Mr. Griffin purchased the business from Mr. Chavis for four hundred seventy-five thousand dollars. Mr. Griffin testified that most of 21<sup>st</sup> Century's assets are fixed assets. However, the testimony reveals that additional resources are available to the Company by way of Griffin's savings and small commercial buildings that Griffin owns in Georgia. The record also reveals a satisfactory safety rating awarded to 21<sup>st</sup> Century, which was awarded by the United States Department of Transportation. This audit was performed on November 15, 2002. See Hearing Exhibit Number 2.

According to Mr. Griffin, 21<sup>st</sup> Century is fit, willing, and able to perform the services authorized under Certificate of PC&N No. 100-G. In the Application, Mr. Griffin certified that there are no outstanding judgments pending against 21<sup>st</sup> Century. Additionally, Mr. Griffin and Mr. Chavis certify in the Application that there are no liens, mortgages, or hypothecations in effect over, against, or in any way affecting Certificate No. 100-G. Mr. Chavis and Mr. Griffin also stated in the Application that the proposed transfer is not being made in any way for the purpose of hindering, delaying or defrauding creditors. The record reveals that Mr. Griffin is familiar with all statutes and regulations, including safety regulations, governing for-hire motor carrier operations in

South Carolina and Mr. Griffin agreed to operate in compliance with these statutes and regulations. Further, Mr. Griffin acknowledges in the Application that the Company is aware of the Commission's insurance requirements and the insurance premium costs associated therewith. The Application also contains an insurance quote which indicates the amount of premium for liability insurance in the amount of \$12,164.00 and cargo insurance in the amount of \$4,674.00. These quoted premiums are for a term of twelve months.

With the application, Mr. Griffin submitted bills of lading to demonstrate that the services under the Certificate of PC&N have been continuously offered and provided to the public for a period of time of not less than twelve months prior to the date of filing of the application. The bills of lading submitted with the Application spanned from July 3, 2001 through August 7, 2002. Further, Mr. Griffin stated that over the period of his involvement with the business that the business is very competitive.

According to Mr. Griffin, the transfer of Certificate of PC&N No. 100-G from Mr. Chavis to 21<sup>st</sup> Century is in the public interest. Mr. Griffin testified that Mr. Chavis has done a great job as owner of Chavis Moving and Storage Co., Inc. and that the Transferor's business has a good reputation. Mr. Griffin pledged to further the reputation with his service and track record. The record reveals that 21<sup>st</sup> Century will utilize the South Carolina Tariff Bureau, Inc.'s Tariff Number 3 for rates and charges for service.

Upon consideration of the merits of the instant Application, the representations contained therein and the documentary evidence attached thereto, and the testimony and

the documentary evidence produced at the hearing, the Commission makes the following findings:

(1) The transfer of Certificate of PC&N No. 100-G will not adversely affect the service to the public authorized by said Certificate. According to the evidence before the Commission, Mr. Chavis has been providing services pursuant to this Certificate of PC&N since the Certificate was issued in 1973. Further, Mr. Griffin testified that the market is very competitive.

(2) The Transferee is fit, willing, and able to perform the services authorized under said Certificate of PC&N as set forth in 26 S.C. Code Ann. Regs. 103-133 (Supp. 2002). Specifically, the Transferee demonstrated fitness by certifying that there are no outstanding judgments pending and by demonstrating that he is financially fit to do business as a certified motor carrier. Further, Mr. Griffin acknowledged that he is familiar with the Rules and Regulations governing for-hire motor carrier operations and has agreed to operate the business in compliance with those Rules and Regulations. The Transferee has demonstrated that he is able to provide the services by demonstrating that he has adequate equipment and personnel to provide the services under the Certificate. Additionally, the Transferee has provided evidence of willingness by having met the requirements of fit and able and by submitting the Application and completing the Application process.

(3) Finally, the Commission finds that the services authorized by Certificate of PC&N No. 100-G have been continuously offered and reasonably provided to the public for a period of time of not less than 12 months prior to the date of the filing of the

Application. Mr. Griffin provided documentary evidence in the form of bills of lading demonstrating that the services under Certificate of PC&N No. 100-G have been offered from July 2001, through August, 2002. (See, Application).

Based upon the above stated findings, the Commission concludes that the proposed transfer of Certificate of PC&N No. 100-G from the Transferor to the Transferee is in the public interest and that relief sought in the Application for the transfer of Class E Certificate of PC&N No. 100-G should be approved.

IT IS THEREFORE ORDERED THAT:

1. The proposed transfer of Certificate of Public Convenience and Necessity No. 100-G from Chavis Moving and Storage Co., Inc. to 21<sup>st</sup> Century Holdings, LLC d/b/a Chavis Moving and Storage Company should be, and hereby is, approved.

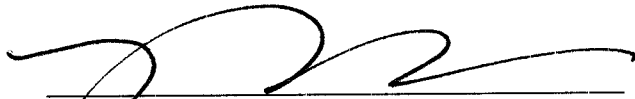
2. The Transferee shall file the proper license fees and other information required by S.C. Code Ann. §58-23-10 et seq. (1976), as amended, and by 26 S.C. Code Ann. Regs. 103-100 through 103-280 (1976), as amended, which are the Commission's Rules and Regulations for Motor Carriers, within sixty days from the date of this Order, or within such additional time as may be authorized by the Commission.

3. Upon compliance with S.C. Code Ann. § 58-23-10, et seq., (1976), as amended, and the applicable provisions of 26 S.C. Code Ann. Regs. 103-100 through 103-280 (1976), as amended, of the Commission's Rules and Regulations for Motor Carriers, a Certificate of Public Convenience and Necessity shall be issued to the Transferee authorizing the motor carrier services granted herein.


4. Prior to compliance with the requirements set forth herein and the receipt of a Certificate of Public Convenience and Necessity, the motor carrier services authorized herein shall not be provided.

5. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

  
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Mignon L. Clyburn  
Chairman

ATTEST:

  
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Gary E. Walsh  
Executive Director

(SEAL)